

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LORENZO ESPINOZA,

Plaintiff,

vs.

No. CIV 99-712 MV/LCS

**KENNETH S. APFEL, Commissioner,
Social Security Administration,**

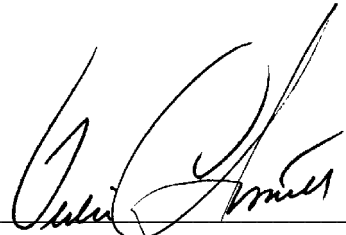
Defendant.

**MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

THIS MATTER comes before the Court *sua sponte*. The docket in this case indicates that Plaintiff has not filed a motion to reverse or remand the administrative agency's decision. Plaintiff's motion to reverse or remand originally was due in this matter no later than October 5, 1999, and the motion was to be fully briefed no later than December 23, 1999. The Court has extended the briefing schedule on two occasions, with the most recent extension (*Doc. 11*) providing that the fully-briefed motion package was to be filed no later than March 6, 2000. I propose finding that Plaintiff's lack of responsiveness indicates that he does not seek to pursue this matter. I recommend, therefore, that this case be dismissed without prejudice.

Timely objections to the foregoing may be made pursuant to 28 U.S.C. §636(b)(1)(C). Within ten days after a party is served with a copy of these proposed findings and recommendations, that party may file with the Clerk of the District Court written objections to such proposed findings and recommendations. A party must file any objections within the ten day period allowed if that party wants to have appellate review of the proposed findings and

recommendations. If no objections are filed, no appellate review will be allowed.

A handwritten signature in black ink, appearing to read "Leslie C. Smith", is positioned above a horizontal line.

Leslie C. Smith

UNITED STATES MAGISTRATE JUDGE